

Attorney Docket: 030351  
U.S. Application No.: 10/720,956 Examiner: Lim Art Unit: 2153  
Response to July 31, 2007 Office Action

### **REMARKS**

In response to the Office Action dated July 31, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

#### **Objections to the Title**

The Office objected to the originally-presented Title. This response amends the Title to "Methods, Systems, and Products for Providing Communications Services Amongst Multiple Providers."

#### **Objections to the Specification**

The Office also objected to paragraphs [0002] through [0009] for missing serial numbers. These paragraphs have been amended to include the corresponding serial numbers.

#### **Rejection of Claim 20 Under § 112**

The Office rejected claim 20 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 20, however, has been amended and now fully complies with the patent laws.

#### **Rejection of Claims Under § 103 (a)**

The Office rejected claims 1-20 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent 6,978,308 to Boden, *et al.* in view of U.S. Patent Application Publication 2002/0073182 to Zakurdaev, *et al.*

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Claims 1-20, however, cannot be obvious. These claims recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Boden* and *Zakurdaev*. Independent claim 1, for example, recites “receiving, at the client device, a bid from the at least one service provider to fulfill the request for communications service.” This feature was originally presented by dependent claim 7 and has now been incorporated into independent claim 1. Support for such features may be found in the as-filed application at paragraphs [0014] and [0023]. Independent claim 1 is reproduced below, and independent claims 12 and 20 recite similar features.

[c01] A method of providing communications services, comprising:

discovering, at a client device, multiple communications networks available to the client device;

communicating a request for communications service from the client device to a service provider, the service provider providing access to at least one of the multiple communications networks;

negotiating, at the client device, with the at least one service provider for access to at least one of the multiple communications networks;

receiving, at the client device, a bid from the at least one service provider to fulfill the request for communications service; and

receiving communications service from the at least one service provider via at least one of the multiple communications networks.

*Boden* and *Zakurdaev* cannot obviate at least these features. *Boden* discloses methods for automatically establishing nested tunnel connections to an enterprise server. See U.S. Patent 6,978,308 to *Boden, et al.* at column 1, lines 39-44. See also *id.* at column 3, lines 40-45. The device endpoints, or “nodes,” negotiate to set-up an inner tunnel within an outer tunnel. *Id.* at column 2, lines 25-31. “Once a nesting relationship has been established ..., it is automatically maintained as [security associations] refreshes occur.” *Id.* at column 4, lines 32-34. “That is, as new SA’s are negotiated, the logical relationship ... is transparently maintained.” *Id.* at column 4, lines 34-37. *Zakurdaev* discloses a proxy server that receives all I.P. address requests. U.S. Patent Application Publication 2002/0073182 to *Zakurdaev, et al.* at paragraph [0012]. See also

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*id.* at paragraph [0024]. “One purpose of the [request] is to request an I.P. address of the ISP that is to provide Internet access service to the user.” *See id.* at paragraph [0024]. The proxy server maps the user’s equipment to an Internet Service Provider. *See id.* at paragraphs [0014] and [0026].

Still, though, *Boden* and *Zakurdaev* cannot obviate the independent claims. First, despite the Office’s assertions, *Boden* and *Zakurdaev* fail to teach or suggest “*discovering, at a client device, multiple communications networks available to the client device*” (emphasis added). The Office asserts that *Zakurdaev* teaches this feature, but the Assignee must, very respectfully, disagree. *Zakurdaev* makes absolutely no teaching or suggestion of “*discovering ... multiple communications networks available to the client device.*” When *Zakurdaev* is properly interpreted, *Zakurdaev* only discloses accessing a single, known ISP. As *Zakurdaev* explains, when a user’s terminal needs the I.P. address of its ISP, the user terminal’s NIC sends a “DHCDISCOVER” signal to a gateway. *Zakurdaev*, at paragraph [0024]. The gateway forwards the “DHCDISCOVER” signal to the proxy server. *Id.* at paragraph [0025]. The proxy server determines the corresponding address of the user’s ISP and forwards the “DHCDISCOVER” signal to the ISP. *Id.* at paragraph [0026]. So, the proposed combination of *Boden* and *Zakurdaev* does not teach or suggest “*discovering ... multiple communications networks,*” as the Office mistakenly alleges. The proposed combination of *Boden* and *Zakurdaev*, instead, only teaches a single communications network. The proposed combination of *Boden* and *Zakurdaev*, then, cannot obviate independent claims 1, 12, and 20.

Moreover, the independent claims recite additional, distinguishing features. Independent claims 1, 12, and 19 also recite “*receiving, at the client device, a bid from the at least one service provider to fulfill the request for communications service.*” The Office asserts that this feature would have been obvious in view of *Boden* and *Zakurdaev*, but the Assignee cannot agree. Even though *Boden* discloses a negotiation to set-up an inner tunnel within an outer tunnel, this teaching is wholly unrelated and not analogous to “*receiving ... a bid from the at least one service provider to fulfill the request for communications service.*” As the above paragraphs explained, *Boden* negotiates to establish nested logical tunnels between network nodes. *See U.S.*

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Patent 6,978,308 to Boden, *et al.* at column 2, lines 25-31. *Boden* negotiates "security associations" along these tunnels. *Id.* at column 4, lines 32-34. *Boden's* "negotiations," then, are not a "*bid from the at least one service provider to fulfill the request for communications service.*" The proposed combination of *Boden* and *Zakurdaev*, then, cannot obviate independent claims 1, 12, and 20.

The Assignee must also, respectfully, disagree with other assertions in the Office Action. The Office asserts that dependent claims 7-11 would have been obvious in view of *Boden* and *Zakurdaev*, but the Assignee cannot agree. As the Assignee above explains, *Boden* negotiates "security associations" along these tunnels. One of ordinary skill in the art, then, would not think that claims 7-11 are obvious. *Boden's* "negotiations," for example, cannot obviate "*comparing the bid to other bids received from other service providers*" (dependent claim 7) or "*communicating a competitive indication of the multiple communications networks that are available to the client communications device*" (dependent claim 9). *Borden*, likewise, fails to teach or suggest "*communicating at least one of i) a price above which communications service will be denied, ii) a date by which the request for communications service should be fulfilled, iii) a time by which the request for communications service should be fulfilled, and iv) formatting for the requested communications service,*" as recited by dependent claim 10. *Borden* also fails to teach or suggest "*receiving at least one of i) a price for utilizing the at least one multiple communications networks, ii) a date that the request for communications service will be fulfilled, and iii) a time that the request for communications service will be fulfilled*" (dependent claim 11).

Other dependent claims recite additional, distinguishing features. Dependent claim 3, for example, recites "*dynamically discovering, with at least one of each data upload and with each data download* the multiple communications networks available to a client communications device" (emphasis added). Support may be found in paragraph [0028] of the as-filed application. Dependent claim 5 recites "*dynamically discovering, according to a schedule*, the multiple communications networks available to a client communications device" (emphasis added). Support may also be found in paragraph [0028] of the as-filed application. Dependent claim 6

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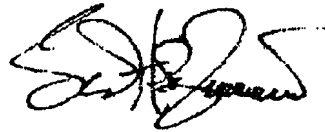
recites "*dynamically discovering the multiple communications networks when global positioning system coordinates indicate a change of "n" units*" (emphasis added). Support may also be found in paragraph [0028] of the as-filed application. The proposed combination of *Boden* and *Zakurdaev* is silent to all these features.

Claims 1-20, then, cannot be obvious. Independent claims 1, 12, and 19 recite many features that are not taught or suggested by *Boden* and *Zakurdaev*. The dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-20 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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